

wherein R₁ is *i*-propyl, X is *OiPr*, R₂ is *iBu*, and R₃ is methyl. This compound is also represented in table 1 on page 31 of the originally filed application.

Claims 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 14, 15, 18, 20 and 22 are readable thereon.

Notwithstanding Applicants' species election, Applicants respectfully traverse the Examiner's requirement for restriction. Applicants respectfully request the Examiner reconsider his restriction requirement in its entirety. Applicants respectfully submit that prosecution of all of previously elected claims without regard to the imposed restriction will allow the Examiner to examine all claims without being subjected to an undue burden as discussed hereinbelow.

According to M.P.E.P. §803, restriction by the Examiner of patentably distinct inventions is proper if the claimed inventions are independent and a *serious burden* would be placed on the Examiner if restriction was not required. Applicant respectfully submits that the presentation of the originally filed claims would not place such a serious burden on the Examiner as to require restriction. All of the originally restricted claims are directed to patentably distinct chemical compounds/compositions or methods of using these compounds/compositions which would not impose a heavy burden of examination on the part of the Examiner.

Thus, it is Applicants' view that any search the Examiner would need to conduct in examining the instant application of all the claims would not be unduly burdensome. That would not be to say that the examination would not be rigorous or even time-consuming, but that such effort would not meet the requirements of MPEP§803. It is respectfully submitted that the examination of all of the originally filed claims in the instant application would not place such a serious burden on the Examiner as to require restriction.

Applicants understand the general policy considerations for the Patent Office's requirement for restriction in certain instances. In this instance, however, those considerations do not weigh in favor of restricting the inventions here. In determining the appropriateness of

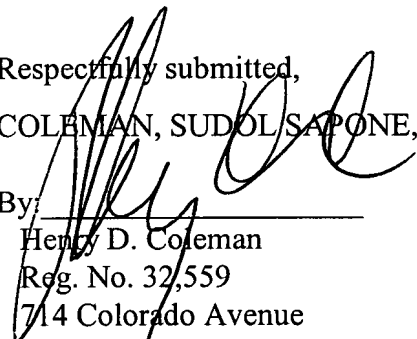
restriction, one must also consider the countervailing consideration that, in each instance, Applicants wish the Patent Office examine their patent application with a certain degree of "administrative efficiency" and wish to have patent claims issue which reflect the breadth of their invention.

Applicants respectfully submit that the originally filed claims are sufficiently narrow to allow the Examiner to determine patentability without being subjected to the serious burden referred to in M.P.E.P. §803. Consequently, Applicant respectfully requests that the Examiner withdraw the restriction requirement in its entirety.

Alternatively, in the interest of administrative efficiency, Applicants respectfully request that the Examiner extend consideration to examining claims 1-22 without further limiting such examination to a single species as set forth in the figure above. It is noted here that all of the claimed compositions represent variations of a single pharmacophore containing various substituents, which compounds have a common utility as pharmaceutical compositions. Thus, there is *unity of invention* and the Examiner's restriction requirement should be withdrawn at least with respect to the compound claims 1-22. This will provide an expectation of administrative efficiency reflective of the nature of Applicants' invention as a group of compounds based upon a common (same) pharmacophore, and a common utility. Applicants therefore cordially request the Examiner to withdraw her restriction requirement at least for claims 1-22 of invention group I.

The Examiner is cordially requested to call the undersigned attorney if the Examiner believes that a telephonic discussion may materially advance the prosecution of the instant application in any way. A petition for an extension of time and requisite fee is enclosed.

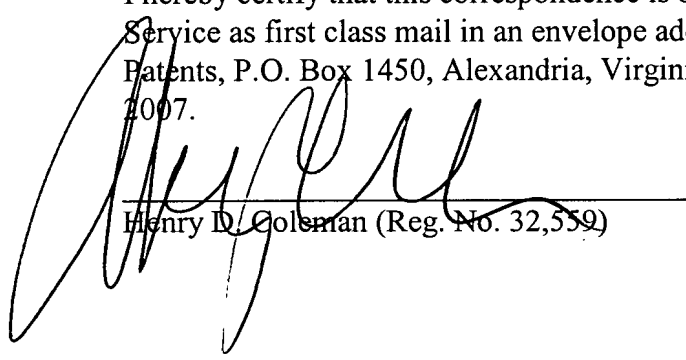
Respectfully submitted,
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Dated: November 20, 2007

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450, dated November 20, 2007.


Henry D. Coleman (Reg. No. 32,559)

Restriction Requirement
S.N. 10/588,478
Y03-104US